

**FINDINGS OF CONFORMANCE  
MULTIPLE SPECIES CONSERVATION PROGRAM  
For Turvey Major Use Permit and Reclamation Plan  
P01-009, RP01-001, ER 01-14-021**

**July 15, 2009**

**I. Introduction**

The Turvey Borrow Pit project is a major use permit and reclamation plan for a surface mining operation that will produce approximately 191,000 cubic yards of decomposed granite (DG). The project is located at 16215 Alpine Boulevard in the Alpine Community Planning Area in unincorporated San Diego County. The extraction process will create three new pads (pads 3, 4 and 5) over a 10 year period. Two existing pads (pads 1 and 2) have already been constructed under an approved grading permit, L-13349. Operations will take place using conventional earth moving equipment and extracted materials will be transported offsite and sold in bulk to contractors. Following the extraction operations, the site will be reclaimed and used as a wholesale nursery.

The project site is a 45.9 acre parcel which is steeply sloping up from Alpine Boulevard. Existing and proposed extraction operations will occur on the northern approximately 16.9 acres of the site which contains less sloping lands. There is an existing 2.1 acre open space easement along the western property line. The remaining 26.9 acres to the south of the property will be dedicated as biological open space.

Vegetation Communities on site include coast live oak woodland (Tier I), disturbed Diegan coastal sage scrub (Tier II), southern mixed chaparral (Tier III), non-native grassland (Tier III), disturbed habitat (Tier IV) and developed habitat (Tier IV). One sensitive plant, the Engelmann Oak (*Quercus engelmannii*) or one sensitive animal species, Cooper's Hawk (*Accipiter cooperii*) were observed on-site. Protocol surveys for the California gnatcatcher (*Poliophtila californica californica*) were conducted in 2004 with negative results and for the quino checkerspot butterfly in 2008 with negative results. The proposed project would impact 16.9 acres on-site, as listed in Table 1.

The project site is within the Metro-Lakeside-Jamul segment of the County Subarea Plan. The project site is not within a Pre-Approved Mitigation Area (PAMA) but is considered a Biological Resource Core Area (BRCA) due to it being part of a block of habitat greater than 500 acres and it's viability in creating a connection between the Dehesa-El Capitan Linkage to the east and the Crestridge Ecological Preserve to the west. In addition, this property was identified in the Crestlake Estates FEIR as part of a BRCA. Impacts as a result of this project will occur to 0.4 acres of disturbed Diegan coastal sage scrub, 10.6 acres of southern mixed chaparral and 1.7 acres of non-native grassland. Mitigation will consist of on-site biological open space containing 26.3 acres of southern mixed chaparral and 0.6 acres of coast live oak woodland.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation	Preserved On-site	Existing Open Space
Coast live oak woodland	I	0.6	0.0	--	0.0	0.6	0.0
Disturbed Diegan coastal sage scrub	II	0.4	0.4	1:1	0.4	0.0	0.0
Southern mixed chaparral	III	39.0	10.6	0.5:1	5.3	26.3	2.1
Non-native grassland	III	1.7	1.7	0.5:1	0.85	0.0	0.0
Disturbed habitat	IV	0.1	0.1	--	0.0	0.0	0.0
Developed	IV	4.1	4.1	--	0.0	0.0	0.0
<b>Total:</b>	--	45.9	16.9	--	6.55	26.9	2.1

\*Impacts will be mitigated with equal or higher tier levels in the on-site biological open space preserve.

The findings contained within this document are based on County records, staff field site visits and the Biological Resources Letter Report (Helix Environmental Planning Inc., August 18, 2008). The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

## II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

### A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The project site qualifies as a Biological Resource Core Area (BRCA) because the site is part of a block of habitat greater than 500 acres in size and provides a viable

connection between the Dehesa-El Capitan Linkage and the Crestridge Ecological Preserve. In addition, the project site was identified as a part of a BRCA in the Crestlake Estates FEIR.

**B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.**

Mitigation is proposed on site and meets the criteria for a BRCA as described above in Section A.

As a Biological Resource Core Area, the open space resulting from this project is considered part of the regional MSCP preserve system. As such, all of the requirements relating to the "Preserve" outlined in the County's Subarea Plan, the Implementation Agreement and the Final MSCP Plan apply to this open space.

**III. Biological Mitigation Ordinance Findings**

**A. Project Design Criteria (Section 86.505(a))**

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

**1. Project development shall be sited in areas to minimize impact to habitat.**

Surface mining operations will occur in the northern portion of property, adjacent to existing mining operations. The project will preserve the southern portion of the site (approximately 63% of the project site) in a dedicated Biological Open Space easement, thereby minimizing habitat impacts.

**2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance.**

Future pads for extraction operations are clustered at northern end of the project site while habitat in the southern portions of the project site will be avoided through the dedication of a Biological Open Space Easement.

**3. Notwithstanding the requirements of the slope encroachment regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design that may encroach into steep slopes to avoid impacts to habitat.**

The project will develop the least sloping areas of the land, which are adjacent to the existing extraction pads and Alpine Boulevard. The steep slopes on site will

be preserved in a dedicated Biological Open Space Easement. Therefore, slope encroachment is not necessary to avoid habitat impacts.

**4. The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations.**

Road reductions are not necessary to minimize impacts for the proposed site design, as the project has been designed to cluster future pads for extraction operations adjacent to the existing road, thereby reducing impacts from road construction.

**5. Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H (Design Criteria for Linkages and Corridors).**

Compliance with design criteria is outlined in sections III.B and III.C of this document.

**B. Preserve Design Criteria (Attachment G)**

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

**1. Acknowledge the “no net loss” of wetlands standard that individual projects must meet to satisfy State and Federal wetland goals, policies, and standards, and implement applicable County ordinances with regard to wetland mitigation.**

No State, Federal or County wetlands were identified on the impact area of the project site (Helix Environmental Planning Inc., August 18, 2008). Therefore, there will be no net loss of wetlands due to this project.

**2. Include measures to maximize the habitat structural diversity of conserved habitat areas, including conservation of unique habitats and habitat features.**

The project will preserve 26.9 acres of on-site open space including the following diverse habitats: coast live oak woodland and southern mixed chaparral. In addition, the open space will include Engelmann oaks (*Quercus engelmannii*), a County sensitive plant. This preservation will maximize habitat structural diversity by including two sensitive habitats, a sensitive plant species, and habitat for a sensitive wildlife species observed flying overhead.

- 3. Provide for the conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological value by the MSCP habitat evaluation model.**

The MSCP habitat evaluation model ranks the site as medium and low value. The highest valued habitat on site, coast live oak woodland, will be completely preserved in dedicated open space. The open space will also include 26.3 acres of southern mixed chaparral. These preserved habitats are connected to off-site habitat, and contribute to extensive areas of habitat with significant biological value.

- 4. Create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats. Subsequently, using criteria set out in Chapter 6, Section 6.2.3 of the MSCP Plan, potential impacts from new development on biological resources within the preserve that should be considered in the design of any project include access, non-native predators, non-native species, illumination, drain water (point source), urban runoff (non-point source) and noise.**

The 26.9 acres of on-site open space will be connected to undeveloped land to the west, south and southeast. There are no edge effects anticipated in these directions. The site's northern border is adjacent to existing surface mining operations and Alpine Boulevard. To reduce edge effects from the proposed addition of three surface mining pads, a 100-foot wide Limited Building Zone Easement will be required adjacent to the Open Space. This Limited Building Zone Easement will prohibit the construction of any habitable structures within 100 feet of the Open Space Easement, and therefore preclude the need for future fire-clearing in the open space. The project will comply with the San Diego County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) and the Stormwater Management Plan (Wayne Chang, February 2009), which will prevent adverse impacts from drain water and urban runoff to the open space.

- 5. Provide incentives for development in the least sensitive habitat areas.**

The project will conserve the most sensitive habitat areas as well as a section of land which will contribute to the existing wildlife linkage. The project proposes development of the north end of the site, which is the least sensitive habitat area, subject to the greatest existing edge effects.

- 6. Minimize impacts to narrow endemic species and avoid impacts to core populations of narrow endemic species.**

No narrow endemic species have been identified on the project site. One County sensitive wildlife was observed on site: Cooper's hawk (*Accipiter*

*cooperii*). Impacts to this species will be minimized by preservation of habitat on site that will continue to support nesting and foraging habitat for these species. Engelmann oak (*Quercus engelmannii*), a County Group D species, was the only sensitive plant species identified on site. This species is considered adequately conserved if appropriate habitat-based mitigation is applied. Such mitigation will be a condition of project approval. No other sensitive species have been identified on or around the project site.

**7. Preserve the biological integrity of linkages between BRCAs.**

The site is a BRCA and provides a valuable connection from the Dehesa-El Capitan Linkage and the Crestridge Ecological Preserve. To the southeast and adjacent to the project area, the linkage ranges from 1,200 to 2,000 feet wide. The proposed Open Space Easement will contribute an additional 1,200 feet to the existing linkage. The dedicated Limited Building Zone Easement will reduce edge effects into the linkage. In addition, the proposed development areas are at the top of the ridge, and the topographic variation will contribute to maintenance of the linkage integrity.

**8. Achieve the conservation goals for covered species and habitats (refer to Table 3-5 of the MSCP Plan).**

The project site does not support any covered species and would therefore not require species-specific management measures. Impacts to habitat will be mitigated at the ratios required by the BMO to ensure long-term viability of any covered species discussed in Table 3-5.

**C. Design Criteria for Linkages and Corridors (Attachment H)**

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

**1. Habitat linkages as defined by the BMO, rather than just corridors, will be maintained.**

The project site is part of a habitat linkage providing connectivity between the Dehesa-El Capitan Linkage and the Crestridge Ecological Preserve. Preservation of on-site open space will contribute to the width of the existing linkage by approximately 1,200 feet.

**2. Existing movement corridors within linkages will be identified and maintained.**

The proposed Biological Open Space over the majority of the project site will contribute to the existing Dehesa-El Capitan Linkage. This open space will contain diverse habitats, several rock outcroppings and significant topographic

variation. In addition, the open space will be adjacent to undeveloped lands to the west, south and southeast, allowing unimpeded movement between the site and adjacent habitats.

**3. Corridors with good vegetative and/or topographic cover will be protected.**

The proposed open space will protect coast live oak woodland and southern mixed chaparral. Although this area was burned during the 2003 Cedar Fire, full recovery of the diverse vegetation is anticipated. The open space will also preserve steep slopes and several rock outcroppings in the southern portion of the site, which will continue to provide topographic cover for wildlife.

**4. Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.**

The preservation of open space on this property will contribute additional land to an existing regional linkage, which will continue to accommodate travel for a wide range of resident wildlife populations.

**5. The width of a linkage will be based on the biological information for the target species, the quality of the habitat within and adjacent to the corridor, topography, and adjacent land uses. Where there is limited topographic relief, the corridor must be well vegetated and adequately buffered from adjacent development.**

The project site is adjacent to the Dehesa- El Capitan Linkage. The open space easement onsite will contribute approximately 1,200 feet to the width of the existing linkage. In addition, a 100-foot Limited Building Zone Easement to prevent edge effects from adjacent development.

**6. If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide linkages are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500 feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.**

The dedication of open space on this project site will contribute to the existing width of the Dehesa-El Capitan Linkage. The proposed mining operations will occur at the top of the slope in the northern portion of the site, leaving the majority of the site undeveloped. The site has the potential to support large mammal use, although no mammals larger than a raccoon were observed (Helix Environmental Planning Inc., August 18, 2008). The proposed open space will provide hiding places and movement opportunities for large mammals and birds.

- 7. Visual continuity (i.e., long lines-of-site) will be provided within movement corridors. This makes it more likely that animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be set back from the canyon rim and screened to minimize their visual impact.**

The proposed mining operations will occur at the bottom of the slope in the northern portion of the property. The topographic variation between the surface mining operation and the proposed open space easement will provide topographic separation between the linkage and future development. In addition, the vegetated slopes will maintain visual continuity for animals moving through the linkage.

- 8. Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.**

To reduce human disturbance, a 100-foot wide Limited Building Zone Easement will be required adjacent to the Open Space. This Limited Building Zone Easement will prohibit the construction of any habitable structures within 100 feet of the Open Space Easement, and therefore preclude the need for future fire-clearing in the Open Space.

- 9. Barriers, such as roads, will be minimized. Roads that cross corridors should have ten foot high fencing that channels wildlife to underpasses located away from interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.**

The project does not propose roads through the linkage. Current access to the site is provided by Alpine Boulevard and will remain unchanged with the addition of three surface mining pads.

- 10. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition, and vegetated with native vegetation if possible; a line-of-site to the other end will be provided; and if necessary, low-level illumination will be installed in the tunnel.**

No wildlife crossings are proposed.

- 11. If continuous corridors do not exist, archipelago (or stepping-stone) corridors may be used for short distances. For example, the gnatcatcher**



**may use disjunct patches of sage scrub for dispersal if the distance involved is less than 1-2 miles.**

A continuous linkage exists at the site, and will be preserved through the dedication of Open Space as a condition of the project.

#### **IV. Subarea Plan Findings**

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

**1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

No State, Federal or County wetlands were identified on the impact area of the project site (Helix Environmental Planning Inc., August 18, 2008). Therefore, there will be no net loss of wetlands due to this project.

**2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

The project will preserve 26.9 acres of on-site open space including the following diverse habitats: coast live oak woodland and southern mixed chaparral. In addition, the open space will include Engelmann oaks (*Quercus engelmannii*), a County sensitive plant. This preservation will maximize habitat structural diversity by including two sensitive habitats, several rock outcroppings, a sensitive plant species, and habitat for a sensitive wildlife species observed flying overhead.

**3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

The MSCP habitat evaluation model ranks the site as medium and low value. The highest valued habitat on site, coast live oak woodland, will be completely preserved in dedicated open space. The open space will also include 26.3 acres of southern mixed chaparral. These preserved habitats are connected to off-site habitat, and contribute to extensive areas of habitat with significant biological value.

**4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

The 26.9 acres of on-site open space will be connected to undeveloped land to the west, south and southeast. There are no edge effects anticipated in these directions. The site's northern border is adjacent to existing surface mining

operations and Alpine Boulevard. To reduce edge effects from the proposed addition of three surface mining pads, a 100-foot wide Limited Building Zone Easement will be required adjacent to the Open Space. This Limited Building Zone Easement will prohibit the construction of any habitable structures within 100 feet of the Open Space Easement, and therefore preclude the need for future fire-clearing in the Open Space.

**5. The project provides for the development of the least sensitive habitat areas.**

The project will conserve the most sensitive habitat areas as well as a section of land which will contribute to the existing wildlife linkage. The project proposes development of the north end of the site, which is the least sensitive habitat area, subject to the greatest existing edge effects.

**6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

The project will conserve the following diverse and sensitive habitats: coast live oak woodland, and southern mixed chaparral. Although no known key regional populations of covered species are present on the project site, the proposed preserved habitat is contiguous with a large amount of off-site habitat. The project will contribute to the preservation of the biological functions of this habitat, which is likely to support covered species.

**7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The project site is part of a large block of habitat that functions as a regional wildlife linkage. Project development will contribute to the existing linkage width. The linkage will continue to support the movement of large mammals and predators. The site is not located near any known golden eagle nests sites or foraging areas.

**8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

No narrow endemic species have been identified on the project site. One County sensitive wildlife was observed on site: Cooper's hawk (*Accipiter cooperii*). Impacts to this species will be minimized by preservation of habitat on site that will continue to support nesting and foraging habitat for these species. Engelmann oak (*Quercus engelmannii*), a County Group D species, was the only sensitive plant species identified on site. This species is considered adequately conserved if appropriate

habitat-based mitigation is applied. Such mitigation will be a condition of project approval. No other sensitive species have been identified on or around the project site.

**9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

Through the dedication of open space, the project will contribute to the preservation of the existing Dehesa-El Capitan Linkage. The onsite preserve will include measures to reduce edge effects from future extractive operations. As the project will preserve 26.9 acres of land directly adjacent to a Pre-Approved Mitigation Area, it will contribute to the assembly of a preserve system within the Subarea Plan.

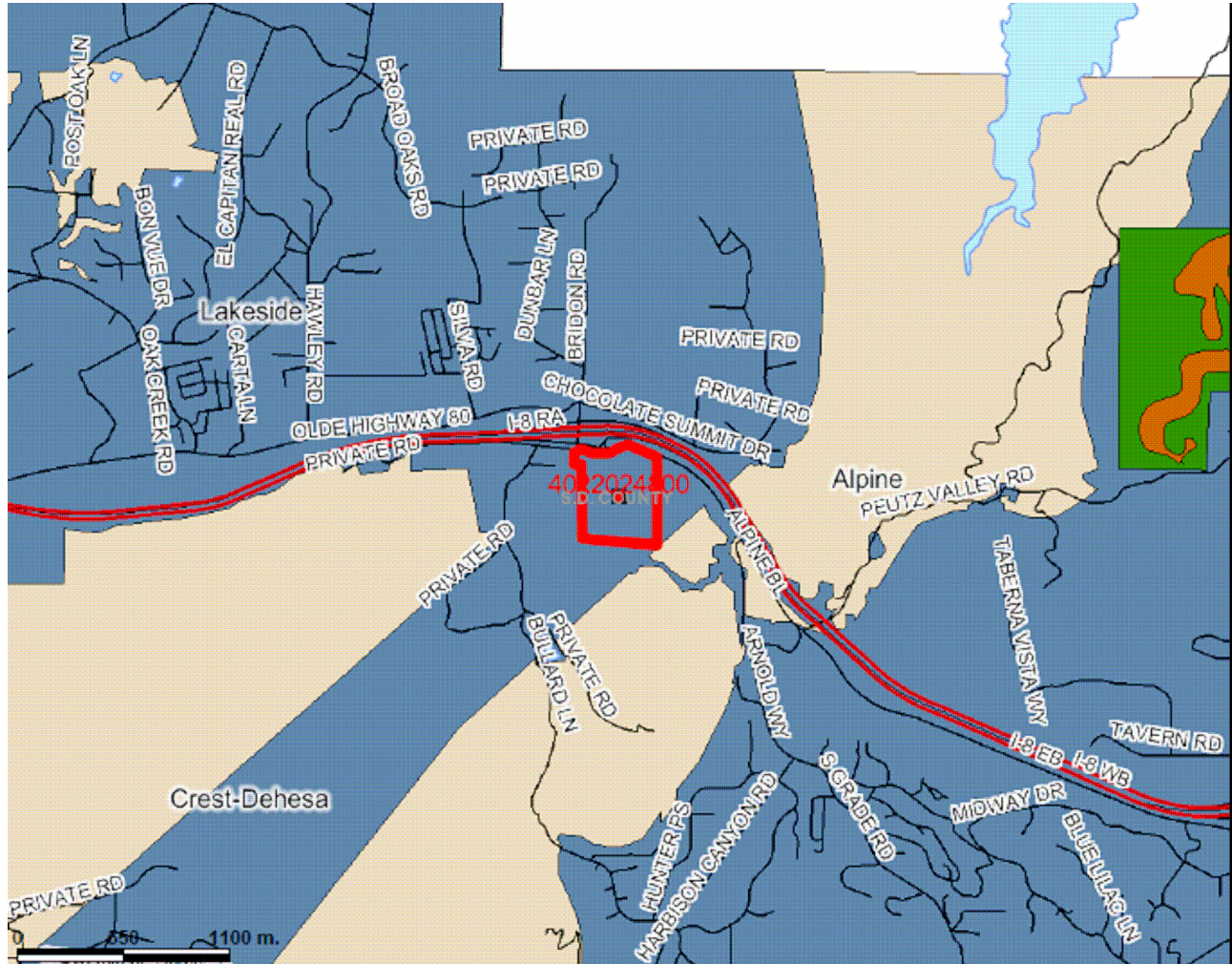
**10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

To reduce edge effects from the three additional surface mining pads proposed by this project, permanent signage will be required as well as a 100-foot wide Limited Building Zone Easement adjacent to the open space. This Limited Building Zone Easement will prohibit the construction of any habitable structures within 100 feet of the Open Space Easement, and therefore preclude the need for future fire-clearing in the Open Space.

**11. Every effort has been made to avoid impacts to BRCA's, to sensitive resources, and to specific sensitive species as defined in the BMO.**

As the site is a BRCA and a valuable connection between the Dehesa-El Capitan Linkage and the Crestridge Ecological Preserve, project design includes preservation of approximately 63% of the land in a dedicated open space easement. The three proposed surface mining pads will be located at the north end of the site, adjacent to the two existing surface mining pads and separated topographically from the wildlife linkage. Specific measures to reduce edge effects from future extractive uses will be required adjacent to the open space including a limited building zone easement and open space signage. One County designated sensitive wildlife species and one County designated sensitive plant were observed on site. The onsite preservation of 26.9 acres including coast live oak woodland and southern mixed chaparral will provide habitat for these and other species that may colonize the land and/or use the wildlife linkage in the future. Through project design and mitigation conditions, the project has reduced its impacts to the BRCA, sensitive resources and sensitive species.

# MSCP Designation For Turvey Major Use Permit and Reclamation Plan P01-009, RP01-001, ER 01-14-021



<ul style="list-style-type: none"> <li>Parcels</li> <li>Highways</li> <li>Freeways</li> <li>Streets</li> <li>Water Bodies</li> <li>Water Bodies</li> <li>MSCP_Designations - South</li> <li>Hardline Preserve</li> <li>Pre-Approved Mitigation Area (PAMA)</li> <li>Major Amendment Area</li> <li>Minor Amendment Area</li> <li>Minor Amendment Area Subject to Special Considerations</li> </ul>		<ul style="list-style-type: none"> <li>Conserved Subject to Agreement with Wildlife Agencies</li> <li>Santa Fe Valley Open Space II</li> <li>Santa Fe Valley 'D' Designator</li> <li>Otay Ranch Areas Where No Take Permits will be Issued</li> <li>Take Authorized Area</li> <li>Unincorporated Land in Metro-Lakeside-Jamul Segment</li> <li>Other</li> <li>Community Planning Area</li> </ul>
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